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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 724/2015

SHANTI PRAKASH Appellant
Through: Appellant in person.

Versus

CENTRAL INFORMATION
COMMISSION & ORS Respondents
Through: Mr.Anil Kr.Sangal, Adv. with
Mr.Siddharth Sangal, Adv. for SBI.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JAYANT NATH

% **ORDER**
19.10.2015

1. The appellant is the petitioner in W.P.(C) No.5165/2015. He made two applications on 07.12.2013 under the Right to Information Act, 2005 seeking certain information from the State Bank of India, Corporate Centre, Mumbai. The information was furnished vide CPIO's letter dated 11.01.2014. Alleging that the complete and correct information was not provided, the appellant/writ petitioner preferred an appeal before the First Appellate Authority. The said appeal was dismissed by order dated 14.03.2014. As against the said order, the appellant/writ petitioner preferred a second appeal before the respondent No.1/Central Information Commission (CIC) which was also dismissed by order dated 06.01.2015. Challenging the said order, the appellant/writ petitioner filed

W.P.(C)No.5165/2015 contending *inter alia* that the CIC committed a grave error in dismissing the second appeal without giving him an opportunity of personal hearing. The learned Single Judge declined to interfere observing that in the circumstance of the case, it cannot be said that the order of CIC would have been different, if the petitioner had been given an opportunity to appear. The said order passed by the learned Single Judge is assailed in the present appeal.

2. We have heard the appellant, who appeared in person as well as the learned counsel appearing for the State Bank of India.

3. As we could see, the only grievance of the appellant is that before passing the order dated 06.01.2015, he was not given an opportunity of personal hearing by the CIC. The order itself shows that the appellant was not heard by the CIC. It is no doubt true that a notice was issued to the appellant requiring him to be present on 06.01.2015 for hearing. However, the specific case of the appellant is that he could not be present on the date of hearing for genuine reasons and, therefore, a request was made for adjournment, but the same was not considered by CIC.

4. Having regard to the fact that the statute itself provides for an opportunity of hearing and the appellant sought for an adjournment explaining the reasons therefor, it appears to us that the respondent No.1 ought not to have proceeded to decide the appeal on merits without hearing the appellant.

5. Accordingly, we consider it appropriate to direct the respondent No.1/ CIC to consider the second appeal afresh and pass an appropriate order in accordance with law after giving an opportunity of hearing to the appellant.

6. The order under appeal as well as the order of CIC impugned in the writ petition are accordingly set aside and the appeal shall stand disposed of with the above direction.

CHIEF JUSTICE

JAYANT NATH, J

OCTOBER 19, 2015
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